

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHN DOES A, B, C, D, E, F, G, H,
MARY DOE and MARY ROE, on
behalf of themselves and all others
similarly situated,

No. 2:22-cv-10209

Plaintiffs,

HON. MARK GOLDSMITH

v

MAG. CURTIS IVY, JR.

GRETCHEN WHITMER, Governor
of the State of Michigan, and COL.
JOSEPH GASPER, Director of the
Michigan State Police, in their
individual capacities,

**DEFENDANTS' RESPONSE
TO PLAINTIFFS' MOTION
TO MODIFY BRIEFING
SCHEDULE**

Defendants.

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DEFENDANTS' RESPONSE TO PLAINTIFFS' REQUEST TO MODIFY BRIEFING SCHEDULE

Plaintiffs served a massive ten-count, 764 paragraph complaint on Defendants in March 2022, which included 22 exhibits and spanned a breathtaking 778 pages. Along with the behemoth complaint, Plaintiffs also served a motion for preliminary injunction which was 90 pages. It is obvious that Plaintiffs took months to draft their complaint and motion.

Shortly thereafter, Plaintiffs and Defendants met and conferred regarding preliminary matters – class certification, appointment of class counsel, proceeding pseudonymously and amending the case caption. Defendants concurred with the relief sought. They also met to pursuant to F.R.E 408.

Plaintiffs' counsel graciously agreed to extend the due date for responsive pleadings and the response to the motion for preliminary injunction until April 11, 2022.

During this time frame, another class action was pending. On March 31, 2022 the court scheduled a status conference for April 8, 2022, at 4:30 p.m. During the conference, the Court asked Plaintiffs

counsel to present briefing on the issue of how the competing class actions should proceed. Defendants' counsel requested that once the issue was decided that they be afforded a reasonable amount of time to respond to the complaints and preliminary injunction motion.

Defendants' counsel also noted that they would be ready to file something on April 11th, but that it was in rough form and would benefit from additional time.

On May 5, 2022, Defendants' counsel met with Plaintiffs' counsel from ACLU to explain the basis for their motion as required by the local rules. This meeting was held in good faith, not knowing whether the ACLU would even be the lead counsel in the class actions. This was done in an effort to provide Plaintiffs' counsel with additional time to prepare their response to the motion in light of their summer plans.

During this time, Defendants counsel had a personal illness and was unable to work for numerous days.

Now Plaintiffs are seeking to shorten the time for Defendants to respond to nearly a thousand pages of pleadings and motions.

Defendants request that their due date of May 31, 2022 remain the same or be extended. Rather than having Plaintiff's

counsel worry about preparing responses in a short period of time before her departure for a long-planned family commitment, the Court should extend Plaintiff's time to respond until the end of August. Plaintiffs counsel is already taking the position that they may need to seek an extension. (ECF No. 36, PageID 1125.)

This case presents complex and lengthy constitutional issues. The Court and the parties will only benefit from adequate time for both sides to carefully brief the issues.

The Michigan SORA largely mirrors the federal SORNA, which has been routinely upheld by every circuit in the country including the Sixth Circuit. To the extent that the Plaintiffs are granted relief, it will be a departure from existing case law. The issues should be carefully briefed so the Court has the opportunity to judiciously weigh the arguments.

Wherefore, Defendants respectfully request the existing due dates remain in place, or in the alternative, that the Court extend the Defendants due date to June 25, 2022, and give Plaintiffs until August 31, 2022, or longer to respond.

Respectfully submitted,

/s/ Eric M. Jamison

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Dated: May 19, 2022

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2022, I caused the above documents to be electronically filed with the Clerk of the Court using the ECF System, which will provide electronic copies to counsel of record.

/s/ Eric M. Jamison

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I, Eric M. Jamison, certify that this document complies with Local Rule 5.1(a), including: double-spaced (except for quoted material and footnotes): at least one-inch margin on top, sides, and bottoms; consecutive page numbering; and type size of all text and footnotes that is no smaller than 10-1/2 characters per inch (for non-proportional fonts) or 14 points (for proportional fonts). I also certify that it is the appropriate length. Local Rule 7.1(d)(3).

/s/ Eric M. Jamison

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